

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MIGUEL MARTHA-LOZANO,

Defendant.

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ORDER

This matter is before the court on the motion to continue by defendant Miguel Martha-Lozano (Martha-Lozano) (Filing No. 22). Martha-Lozano seeks a thirty-day continuance of the trial of this matter which is scheduled for April 28, 2008. Martha-Lozano's counsel represents that Martha-Lozano will file an affidavit wherein he represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Martha-Lozano's motion to continue trial (Filing No. 22) is granted.
2. Trial of this matter is re-scheduled for **May 27, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 22, 2008 and May 27, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 22nd day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge